

House Resolution 1770

By: Representatives Franklin of the 43rd, Jerguson of the 22nd, Byrd of the 20th, Holt of the 112th, Reese of the 98th, and others

A RESOLUTION

1 Informing Georgia Supreme Court Chief Justice Carol W. Hunstein that Georgia is a
2 republic, not a democracy; recognizing the great differences between these two forms of
3 government; and for other purposes.

4 WHEREAS, on March 16, 2010, Georgia Supreme Court Chief Justice Carol W. Hunstein
5 appeared before the Georgia General Assembly for the State of the Judiciary address, and in
6 her speech Chief Justice Hunstein mistakenly called the State of Georgia a democracy; and

7 WHEREAS, the State of Georgia is, in fact, a republic and it is important that all Georgians
8 know the difference between a republic and a democracy – especially the Chief Justice of the
9 Georgia Supreme Court; and

10 WHEREAS, the word "republic" comes from the Latin *res publica*, which means "the public
11 thing" or "the law," while the word "democracy" comes from the Greek words *demos* and
12 *kratein*, which translates to "the people to rule"; and

13 WHEREAS, most synonymous with majority rule, democracy was condemned by the
14 Founding Fathers of the United States, who closely studied the history of both democracies
15 and republics before drafting the Declaration of Independence and the Constitution; and

16 WHEREAS, the Founding Fathers recognized that the rights given to man by God should not
17 be violated by an unrestrained majority any more than they should be restrained by a king
18 or monarch; and

19 WHEREAS, it is common knowledge that the Pledge of Allegiance contains the phrase "and
20 to the Republic"; and

21 WHEREAS, as he exited the deliberations of the so-called Constitutional Convention of
22 1787, Founding Father Benjamin Franklin told the awaiting crowd they have "A republic,
23 if you can keep it"; and

24 WHEREAS, a republic is a government of law, not of man, which is why the United States
25 Constitution does not contain the word democracy and mandates that "the United States shall
26 guarantee to every State in this Union a Republican Form of Government"; and

27 WHEREAS, in 1928, the War Department of the United States defined democracy in
28 Training Manual No. 2000-25 as a "government of the masses" which "[r]esults in
29 mobocracy," communistic attitudes to property rights, "demagogism,...agitation, discontent,
30 [and] anarchy"; and

31 WHEREAS, during the State of the Judiciary, Chief Justice Hunstein stated that the judicial
32 branch is the branch of government charged with interpreting the Constitution; however, the
33 judicial branch of government is not the sole interpreter of the Constitution, instead all three
34 branches of Georgia's government are responsible for interpreting the Constitution as it
35 applies to their jurisdiction; and

36 WHEREAS, the Georgia General Assembly serves as the legislative branch of Georgia's
37 government, and each legislator must apply and interpret the Constitution to each piece of
38 legislation that is considered; and

39 WHEREAS, the judiciary applies the Constitution and the laws enacted pursuant to it to the
40 facts of the cases before the court.

41 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
42 the members of this body recognize the difference between a democracy and a republic and
43 inform Georgia Supreme Court Chief Justice Carol W. Hunstein that the State of Georgia is
44 a republic and not a democracy.

45 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
46 and directed to transmit appropriate copies of this resolution to Georgia Supreme Court Chief
47 Justice Carol W. Hunstein, all Justices of the Georgia Supreme Court, and all Judges of the
48 Georgia Court of Appeals.